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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27123	7590	03/21/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NALEVANKO, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 03/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,469

Applicant(s)

KAWAI, TOMOAKI

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuno (6,067, 624).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding Claim 1, Kuno shows a distributing method for distributing data from a first terminal apparatus to a second (col. 3 lines 24-45, col. 4 lines 1-20, supplying client with images) comprising a determination step of determining whether the data is to be distributed in accordance with an access situation of a client to the first terminal apparatus (col. 4 lines 20-36, control privilege managing unit) and a distribution step of distributing the data to the second terminal apparatus on the basis of a determination

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result of the determination step (col. 5 lines 15-50, allowing user to view and control camera if at top of queue).

Regarding Claim 2, Kuno shows that a camera may only be accessed by one client or else the system puts the other client in a queue (col. 5 lines 5-25, col. 7 lines 50-65, one person controlling camera at a time and others being placed in a queue).

Regarding Claim 3, Kuno shows distribution only happens when a predetermined number of clients are not accessing the terminal. Kuno shows that one person may access a camera at a time, which is a predetermined number (col. 5 lines 5-25, col. 7 lines 50-65, one person controlling camera at a time and others being placed in a queue).

Regarding Claim 4, Kuno shows a reception step of receiving, from the second terminal apparatus, access situation of a client to the second terminal apparatus (col. 4 lines 58-65, col. 7 lines 39-50, client gives up acquiring of the camera privilege, or abandons control privilege), wherein, in said determination step, whether the data is to be distributed is determined in accordance with the access situation of a client to the first terminal apparatus (col. 5 lines 15-50, allowing user to view and control camera if at top of queue) and the access situation of a client to the second terminal apparatus (col. 4 lines 58-65, col. 7 lines 39-50, client gives up acquiring of the camera privilege, or abandons control privilege).

Regarding Claim 5, Kuno shows that a camera may only be accessed by one client or else the system puts the other client in a queue (col. 5 lines 5-25, col. 7 lines 50-65, one person controlling camera at a time and others being placed in a queue).

Regarding Claim 6, Kuno shows distribution only happens when a predetermined number of clients are not accessing the terminal (col. 5 lines 5-25, col. 7 lines 50-65, one person controlling camera at a time and others being placed in a queue).

Regarding Claim 7, Kuno shows that the determination step occurs when a user tries to access a video feed or camera, which is at a preset time (col. 4 lines 45-65, camera control privilege request).

Regarding Claim 8, Kuno shows that the data is image data (col. 4 lines 5-13).

Regarding Claim 9, Kuno shows using a file transfer protocol (col. 3 lines 25-30, LAN, WAN, or Internet).

Regarding Claim 10, Kuno shows distributing data from a first terminal apparatus to a second terminal apparatus (col. 3 lines 24-45, col. 4 lines 1-20, supplying client with images), comprising a reception step of receiving, from the second terminal apparatus, an access situation of a client to the second terminal apparatus (col. 4 lines 58-65, col. 7 lines 39-50, client gives up acquiring of the camera privilege, or abandons control privilege), a determination step of determining whether the data is to be distributed in accordance with an access situation of a client to the second terminal apparatus (col. 4 lines 58-65, col. 7 lines 39-50, client gives up acquiring of the camera privilege, or abandons control privilege) and a distribution step of distributing the data to the second terminal apparatus on the basis of a determination result of the determination step.

Regarding Claim 11, Kuno shows that a camera may only be accessed by one client or else the system puts the other client in a queue (col. 5 lines 5-25, col. 7 lines 50-65, one person controlling camera at a time and others being placed in a queue).

Regarding Claim 12, Kuno shows distribution only happens when a predetermined number of clients are not accessing the terminal (col. 5 lines 5-25, col. 7 lines 50-65, one person controlling camera at a time and others being placed in a queue).

Regarding Claim 13, Kuno shows that the determination step occurs when a user tries to access a video feed or camera, which is at a preset time (col. 4 lines 45-65, camera control privilege request).

Regarding Claim 14, Kuno shows that the data is image data (col. 4 lines 5-13).

Regarding Claim 15, Kuno shows using a file transfer protocol (col. 3 lines 25-30, LAN, WAN, or Internet).

Regarding Claim 16, Kuno shows an image sensing control step of executing image sensing operation of a camera at a preset time (col. 4 lines 5-20, image sensing unit), a control right giving step of giving a control right for the camera to a requesting client for a predetermined time (col. 5 lines 25-67, giving control privilege for a predetermined time), and a notification step of, when a period from the time at which the control right is given in said control right giving step to the time at which the camera is controlled in said image sensing control step is less than the predetermined time, notifying the client of, as a period when the control right for the camera is given, the period from the time at which the control right is given in said control right giving step to the time at which the camera starts being controlled in said image sensing control step (col. 5 lines 25-67, giving control privilege for a predetermined time, notifying user that they have a control privilege and for how long).

Regarding Claim 17, Kuno shows a registration step of registering the client requesting the control right for the camera in a queue (col. 5 lines 15-26, placing client in a queue), wherein, in said notification step, the client is notified of the wait time until the control right for the camera is given on the basis of the queue in said registration step and the image sensing operation timing in said image sensing control step (col. 8 lines 47-55, wait time displayed).

Regarding Claims 18-34, the limitations of the claims have been discussed with regards to Claims 1-17.

Regarding Claims 35-51, the limitations of the claims have been discussed with regards to Claims 1-17.

2. Claims 1, 4, 7-10, 13-15, 18, 21, 24-27, 30-32, 35, 38, 41-44, and 47-49 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yoshimura et al (6,556,241).

Regarding Claim 1, Yoshimura shows a distributing method for distributing data from a first terminal apparatus to a second (col. 5 lines 40-67, camera apparatus sending image data to user terminal through network) comprising a determination step of determining whether the data is to be distributed in accordance with an access situation of a client to the first terminal apparatus (col. 1 lines 35-65, determining if a camera can be accessed by a user, col. 6 lines 52-65, determining operational state of camera, col. 8 lines 48-67, determining if camera is available and if so, the user is connected) and a distribution step of distributing the data to the second terminal apparatus on the basis of a determination result of the determination step (col. 8 lines 60-67, col. 9 lines 1-8, 50-67, sending picture data back to user).

Regarding Claim 4, Yoshimura shows a reception step of receiving, from the second terminal apparatus, access situation of a client to the second terminal apparatus (col. 7 lines 45-60, input demand from user to second terminal apparatus, or terminal), wherein, in said determination step, whether the data is to be distributed is determined in accordance with the access situation of a client to the first terminal apparatus (col. 1 lines 35-65, determining if a camera can be accessed by a user, col. 6 lines 52-65, determining operational state of camera, col. 8 lines 48-67, determining if camera is available and if so, the user is connected) and the access situation of a client to the second terminal apparatus (col. 7 lines 45-67, col. 8 lines 1-15, camera server and client terminal deciding if the access input by user is acceptable or if an error).

Regarding Claim 7, Yoshimura shows that the determination step occurs when a user tries to access a video feed or camera, which is at a preset time (col. 6 lines 52-65, determining if the operation demand is executable).

Regarding Claim 8, Yoshimura shows that the data is image data (col. 5 lines 55-67, picture data).

Regarding Claim 9, Yoshimura shows using a file transfer protocol (col. 14 lines 40-67, HTTP).

Regarding Claim 10, Yoshimura shows distributing data from a first terminal apparatus to a second terminal apparatus (col. 5 lines 40-67, camera apparatus sending image data to user terminal through network), comprising a reception step of receiving, from the second terminal apparatus, an access situation of a client to the second terminal apparatus (col. 7 lines 45-60, input demand from user to second terminal apparatus, or

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terminal), a determination step of determining whether the data is to be distributed in accordance with an access situation of a client to the second terminal apparatus ((col. 7 lines 45-67, col. 8 lines 1-15, camera server and client terminal deciding if the access input by user is acceptable or if an error) and a distribution step of distributing the data to the second terminal apparatus on the basis of a determination result of the determination step (col. 8 lines 60-67, col. 9 lines 1-8, 50-67, sending picture data back to user).

Regarding Claim 13, Yoshimura shows that the determination step occurs when a user tries to access a video feed or camera, which is at a preset time (col. 6 lines 52-65, determining if the operation demand is executable).

Regarding Claim 14, Yoshimura shows that the data is image data (col. 5 lines 55-67, picture data).

Regarding Claim 15, Yoshimura shows using a file transfer protocol (col. 14 lines 40-67, HTTP).

Regarding Claim 18, the limitations of the claim have been discussed with regards to Claim 1.

Regarding Claim 21, the limitations of the claim have been discussed with regards to Claim 4.

Regarding Claims 24-27, the limitations of the claim have been discussed with regards to Claims 7-10.

Regarding Claims 30-32, the limitations of the claim have been discussed with regards to Claims 13-15.

Regarding Claim 35, Yoshimura shows a computer program product comprising a computer medium having computer readable program code embodied in the medium (col. 5 lines 40-67, camera server and client software). All other limitations have been discussed with regards to Claim 1.

Regarding Claim 38, the limitations of the claim have been discussed with regards to Claim 4.

Regarding Claims 41-44, the limitations of the claim have been discussed with regards to Claims 7-10.

Regarding Claims 47-49, the limitations of the claim have been discussed with regards to Claims 13-15

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 5, 6, 11, 12, 19, 20, 22, 23, 28, 29, 36, 37, 39, 40, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (6,556,241) in further view of Hendricks et al (6,675,386).

Regarding Claim 2, Although Yoshimura shows that a camera, or first terminal apparatus, has a limit to the number of users that may access it (col. 1 lines 35-65, determining if a camera can be accessed by a user, col. 6 lines 52-65, determining

operational state of camera, col. 8 lines 48-67, determining if camera is available and if so, the user is connected), but fails to specifically state that it can only be accessed when no other client is accessing the camera. Hendricks shows that a camera may only be accessed by one client or else the system rejects the request (col. 10 lines 25-47, each user assigned a camera and other users must contend for available cameras). It would have been obvious to one of ordinary skill in the art to modify Yoshimura with the ability to limit a cameras access to one user, as shown in Hendricks, so that the network load would not be significantly increased and the system would be able to provide individual video streams to separate users. Also, this would allow the user to completely control the accessed camera.

Regarding Claim 3, Hendricks states that a client may only access a camera when no other clients are connected (col. 10 lines 25-47, each user assigned a camera and other users must contend for available cameras). This is a predetermined number of clients. It would have been obvious to one of ordinary skill in the art to modify Yoshimura with the ability to limit a cameras access to one user, as shown in Hendricks, so that the network load would not be significantly increased and the system would be able to provide individual video streams to separate users. Also, this would allow the user to completely control the accessed camera.

Regarding Claim 5, Although Yoshimura shows that a camera, or first terminal apparatus, has a limit to the number of users that may access it (col. 1 lines 35-65, determining if a camera can be accessed by a user, col. 6 lines 52-65, determining operational state of camera, col. 8 lines 48-67, determining if camera is available and if

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so, the user is connected), but fails to specifically state that it can only be accessed when no other client is accessing the camera. Hendricks shows that a camera may only be accessed by one client or else the system rejects the request (col. 10 lines 25-47, each user assigned a camera and other users must contend for available cameras). It would have been obvious to one of ordinary skill in the art to modify Yoshimura with the ability to limit a camera's access to one user, as shown in Hendricks, so that the network load would not be significantly increased and the system would be able to provide individual video streams to separate users. Also, this would allow the user to completely control the accessed camera.

Regarding Claim 6, Hendricks states that a client may only access a camera when no other clients are connected (col. 10 lines 25-47, each user assigned a camera and other users must contend for available cameras). This is a predetermined number of clients. It would have been obvious to one of ordinary skill in the art to modify Yoshimura with the ability to limit a camera's access to one user, as shown in Hendricks, so that the network load would not be significantly increased and the system would be able to provide individual video streams to separate users. Also, this would allow the user to completely control the accessed camera.

Regarding Claim 11, Although Yoshimura shows that a camera, or first terminal apparatus, has a limit to the number of users that may access it (col. 1 lines 35-65, determining if a camera can be accessed by a user, col. 6 lines 52-65, determining operational state of camera, col. 8 lines 48-67, determining if camera is available and if so, the user is connected), but fails to specifically state that it can only be accessed when

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no other client is accessing the camera. Hendricks shows that a camera may only be accessed by one client or else the system rejects the request (col. 10 lines 25-47, each user assigned a camera and other users must contend for available cameras). It would have been obvious to one of ordinary skill in the art to modify Yoshimura with the ability to limit a camera's access to one user, as shown in Hendricks, so that the network load would not be significantly increased and the system would be able to provide individual video streams to separate users. Also, this would allow the user to completely control the accessed camera.

Regarding Claim 12, Hendricks states that a client may only access a camera when no other clients are connected (col. 10 lines 25-47, each user assigned a camera and other users must contend for available cameras). This is a predetermined number of clients. It would have been obvious to one of ordinary skill in the art to modify Yoshimura with the ability to limit a camera's access to one user, as shown in Hendricks, so that the network load would not be significantly increased and the system would be able to provide individual video streams to separate users. Also, this would allow the user to completely control the accessed camera.

Regarding Claims 19 and 20, the limitations of the claim have been discussed with regards to Claims 2 and 3.

Regarding Claims 22 and 23, the limitations of the claim have been discussed with regards to Claims 5 and 6.

Regarding Claims 28 and 29, the limitations of the claim have been discussed with regards to Claims 11 and 12.

Regarding Claims 36 and 37, the limitations of the claim have been discussed with regards to Claims 2 and 3.

Regarding Claims 39 and 40, the limitations of the claim have been discussed with regards to Claims 5 and 6.

Regarding Claims 45 and 46, the limitations of the claim have been discussed with regards to Claims 11 and 12.

4. Claims 16, 17, 33, 34, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (6,556,241) in further view of Hendricks et al (6,675,386) and Sonesh et al (6,614,783).

Regarding Claim 16, Yoshimura shows an image distribution method comprising an image sensing control step of executing image sensing operation of a camera at a preset time (col. 5 lines 50-67, camera apparatus), a control right giving step of giving a control right for the camera to a requesting client for a predetermined time (col. 1 lines 35-65, determining if a camera can be accessed by a user, col. 6 lines 52-65, determining operational state of camera, col. 8 lines 48-67, determining if camera is available and if so, the user is connected, col. 10 lines 20-31, giving control for a period of time), and a notification step of notifying a user of status (col. 7 lines 50-67, indicating error or connecting, col. 8 lines 50-67, indicating unavailable or operating). Yoshimura fails to show, when a period from the time at which the control right is given in said control right giving step to the time at which the camera controlled in said image sensing control step less than the predetermined time, notifying the client of, as a period when the control right for the camera is given, the period from the time at which the control right is given

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in said control right giving step to the time at which the camera starts being controlled in said image sensing control step. Hendricks shows the ability to indicate to a user that they are being put into a queue with time limits when their control rights may not be accessed immediately and determining a period from the time at which the control right is given in said control right giving step to the time at which the camera starts being controlled in said image sensing control step (col. 10 lines 25-36, utilizing queuing, reservations, and time limits). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshimura with the ability to put users into a queue and determine their time to control, as shown in Hendricks, so that a user would not have to continuously try and access a camera if it was unavailable.

Yoshimura and Hendricks both fail to show display to the user the wait time. Sonesh shows the ability to indicate to a user in a queue his anticipated wait time (col. 10 lines 40-67, displaying expected wait time). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshimura and Hendricks with the ability to display the wait time, as shown in Sonesh, so a user could decide if they wanted to continue to wait.

Regarding Claim 17, the limitations of the Claim have been discussed with regards to Claim 16.

Regarding Claims 33 and 34, the limitations of the claim have been discussed with regards to Claims 16 and 17.

Regarding Claims 50 and 51, the limitations of the claim have been discussed with regards to Claims 16 and 17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kogane et al U.S. Patent No. 6,323,897 discloses a network surveillance video camera system.

Amini et al U.S. Patent No. 6,698,021 discloses a system and method for remote control of surveillance devices.

Acosta et al U.S. Patent No. 6,166,729 discloses a remote digital image viewing system and method.

Murphy U.S. Patent No. 6,564,380 discloses a system and method for sending live video on the Internet.

Grooters U.S. Patent No. 6,389,487 discloses a control of video device by multiplexing accesses among multiple applications requesting access based on visibility on single display and via system of window visibility rules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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